HONOURABLE SRI JUSTICE

B. SESHASAYANA REDDY

WRIT PETITION NO.14047 OF 2003

Dated 08-11-2005

Between :

1. P.Venkata Narayana son of P.Narasaiah, aged abiout 50 years, rsident of Nagulakunta Village, Porumamilla Mandal, Kadapa District and others.

Petitioners.

And:

1. The District Collector, Kadapa and others.

Respondents.

ORDER :

The petitioners who are five in number assail the action of the respondents in not paying the compensation to their land bearing survey No.410 of Sancherla Village admeasuring Ac.4-83 cents.

2. It is the case of the petitioners that their land bearing survey No.410 admeasuring Ac.4.83 cents has been acquired by the Government for construction of Tank called Kothacheruvu and no compensation has been paid to them and therefore, they have approached this Court by invoking jurisdiction of this Court under Article 226 of the Constitution of India with a prayer stated supra.

3. The respondents filed counter-affidavit disputing the title of the petitioners in respect of survey No.410 admeasuring Ac.4-83 cents. I deem it appropriate to refer paragraph 3 of the counter affidavit and it is thus :

> “Adverting to the averments made in para 2 of petitioners affidavit it is not true to say that the lands in S.No.409, 410,411 and 412 of Sancherla Village of Porumamilla Mandal were taken high handedly. As perthereport of the Mandal Revenue Officer the lands in S.No.409,410,411 and 412 are

Government lands classified as A.W. These lands were not notified as per the L.A. Act. The patta lands in S.No.423/2A etc, extent 31.53 cents of Sancherla village, Porumamilla Mandal were notified on 23-05-1998 as per L.A. Act and after observing all formalities award was passed in Award No.4/98 dated 24-07-1998 and only after observing all procedure award was passed and compensation paid to the land owners. The writ petitioners were also paid compensation for the land in S.No.429/1, 429/3 and 429/5 as detailed below:

1. P. Venkata Narayana S.No.429/1,3,5 0.28 Rs.5096.00

2. P. Narayana S.No.429/1,3,5 0.28 Rs.5096.00

3. P. Kondaiah S.No.429/1,3,5 0.28 Rs.5096.00

4 P. Lakshmaiah S.No.429/1,3,5 0.28 Rs.5096.00

5. P.China Narasaiah S.No.429/1,3,5 1.12 Rs.20384.00

The Mandal Revenue Officer, Porumamilla has furnished the extracts of RSRs, 10(1) and Adangal. As per RSR the land is classified as A.W. But in the extracts of 10(1) show that Sri Pola Narasaiah (2) Kondaiah (3) Chinna Narasaiah (4) Venkata Narayana and (5) Lakshmaiah as enjoyers. The writ petitioners not produced any documentary evidence showing the title over the Government land which is classified as A.W. as per RSR."

4. Heard the learned counsel for the petitioners and the learned Government Pleader for the Land Acquisition appearing on behalf of the respondents.

5. The learned counsel for the petitioners submit that the petitioners are the pattadars and possessor of land admeasuring Ac.4.83 cents. Since the respondents have taken possession of the land for the proposed construction of the tank called Kotha Cheruvu, the petitioners are entitled to the compensation under the provisions of the Land Acquisition Act. The learned counsel further submits that the possession of the petitioners has been recorded in the revenue records and pattadar pass books were also issued to them.

6. The learned Government Pleader for the Land Acquisition appearing on behalf of the respondents submits that the land in S.No.410 is assessed as 'waste land' and the same has been recorded in the revenue records and therefore, the question of paying compensation to the petitioners does not arise.

7. As seen from the records, a notice dated 27-3-2001 has been issued to the petitioners directing them to place the documents on record to substantiate their contention with regard

to ownership over the land claimed by them. Notice dated 27-3-2001 which finds place at page 17 of the material papers filed along with writ petition reads as follows:

> "Pourumamilla mandal, Sancharla village, S.No.409 for an extent of 7.22, 410 extent of 4.83, 412/2 for an extent of Ac.12.28, 412/3 for an extent of Ac.0-18 and 423/4A2 for an extent of 0-07, a total extent of Ac.13.58 acres land acquired for the construction of pond near Nagulakonta village the people who have applied are being intimated to attempt in front of Revenue Divisional Officer, Rajampet at Sub Collector Office on 3-4-2001 (3rd April, 2001) morning at 11 A.M., with necessary records related to this position and rights. Else it is being informed to you that appropriate action of payment of the ex-gratia will be taken on the said land as per the records.

8. It is the grievance of the petitioners that they appeared before the authority with necessary documents but the authority refused to looking into those documents.

9. Without going into the merits of the case, I deem it appropriate to direct the 2nd respondent to pass appropriate orders in pursuance of the notice issued by him on 27-3-2001 within a period of two months from the date of receipt of a copy of this order.

10. Accordingly, the writ petition is disposed of. No costs.

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Justice B. SESHASAYANA REDDY

Date : 08-11-2005

Dvs

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